

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

- - - - - X

UNITED STATES OF AMERICA

- v. -

JOHNNY SANTANA,

Defendant.

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SUPERSEDING  
INFORMATION

S1 11 Cr. 239 (WWE)

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Count One

The United States Attorney charges:

1. From at least in or about January 2010 through in or about June 2010, in the Southern District of New York and elsewhere, JOHNNY SANTANA, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1343.

2. It was a part and an object of the conspiracy that JOHNNY SANTANA, the defendant, and others known and unknown, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, would and did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of

executing such scheme and artifice, to wit, SANTANA, and others known and unknown, used a telephone service provider's national intranet networks to obtain unique cellular telephone identifiers assigned to cellular telephones of the service provider's customers without authorization of the customers or the service provider, which identifiers were then used to make unauthorized cellular telephone calls, in violation of Title 18, United States Code, Section 1343.

(Title 18, United States Code, Section 1349.)

**FORFEITURE ALLEGATION**

3. As a result of committing the offense alleged in Count One of this Information, JOHNNY SANTANA, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any property constituting or derived from proceeds obtained directly or indirectly as a result of the wire fraud offense, including but not limited to a sum of United States currency representing the amount of proceeds obtained by the defendants as a result of the offense.

**Substitute Asset Provision**

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:
- a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third person;

- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982.)

  
PREET BHARARA  
United States Attorney